

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: October 15, 2020

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ANDREW SCARLETT and,  
TAMARA DAWES, *as surviving*  
*and/co-Personal Representatives of*  
*the estate of M.J.S.*

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

Unpublished

No. 19-1555V

Special Master Gowen

Order Concluding Proceedings;  
Vaccine Rule 21(a).

*Joshua A. Whisler*, The Whisler Law Firm, Boca Raton, FL, for petitioner.

*Lynn C. Schlie*, United States Department of Justice, Washington, DC, for respondent.

### **ORDER CONCLUDING PROCEEDINGS**<sup>1</sup>

On October 7, 2019, Andrew Scarlett and Tamara Dawes, as surviving parents and co-personal representatives of the estate of M.J.S. (“petitioners”) filed a petition in the National Vaccine Injury Program.<sup>2</sup> Petition (ECF No. 1). On October 14, 2020, petitioners filed a motion to dismiss their petition pursuant to Vaccine Rule 21(a)(1). Petitioner’s Motion (“Pet. Mot.”) (ECF No. 23). Respondent has not filed a Rule 4(c) report.

Accordingly, pursuant to Vaccine Rule 21(a), the above-captioned case is **dismissed without prejudice**. The Clerk of the Court is hereby instructed that **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a).

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<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. **This means the opinion will be available to anyone with access to the Internet.** Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes.** *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**  
Thomas L. Gowen  
Special Master